



DOCKET NO: 244051US6 YA

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JEFFREY T. WETZEL ET AL. : EXAMINER: DOAN, THERESA T.
SERIAL NO: 10/706,968 :
FILED: NOVEMBER 14, 2003 : GROUP ART UNIT: 2814
FOR: STRUCTURE COMPRISING TUNABLE ANTI-REFLECTIVE COATING AND
METHOD OF FORMING THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Restriction Requirement dated September 2, 2004, Applicants provisionally elect with traverse Group 1, Claims 16-27 and 29-35, drawn to a method for forming an integrated circuit. Applicants traverse the Restriction Requirement for the following reason.

MPEP § 803 states:

MPEP § 803

. . . If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

However, the outstanding Restriction Requirement has not established that an undue burden would exist if the Restriction Requirement was not issued and all the claims were examined together. Moreover, the claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding

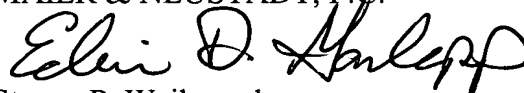
Application Serial Number 10/706,968
In Response to Restriction Requirement dated September 2, 2004

Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-35 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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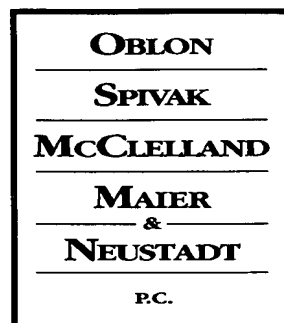
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RE: Application Serial No.: 10/706,968
Applicants: Jeffrey T WETZEL et al.
Filing Date: November 14, 2003
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Examiner: DOAN, THERESA T.

SIR:

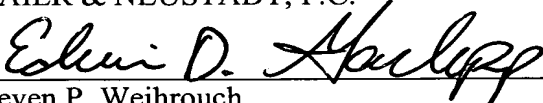
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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